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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,121

10/14/2003

Brian L. Baskin

7614

7590

11/01/2004

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EXAMINER

RO, BENTSU

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,121

Applicant(s)

BASKIN, BRIAN L.

Examiner

Bentsu Ro

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

FIRST OFFICE ACTION

1. The following informalities have been noted, corrections are required.

In the specification:

In specification page 8, line 9, after the words "by way of the", text is missing.

In the claims:

- Claim 4, line 4, typographical error "from from".
- Claim 4, line 5, typographical error "a a".
- Claim 4, line 9, misspelling word "conucting" (conducting).
- Claim 5, line 1, typographical error "said said".
- Claim 10, line 2, the recitations "said output signal" and "said negative supply signal" lack antecedent basis.
- Claim 10, lines 4-5, the recitation "said induced current" lacks antecedent basis.
- Claim 10, line 8, this line ends with a period, however, there are two more lines after line 8. Thus, it is unclear that these two additional lines are part of the claim or not.

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by

Marumoto et al US Patent No. 4,211,961.

Claim 8 reads onto Marumoto et al teaching as follows:

<u>Claim 8:</u>	<u>Marumoto et al teaching:</u>
<p>A method of controlling a motor, said method comprising:</p> <p>outputting an input dependent alternating signal,</p> <p>said alternating signal having a duty cycle that is a function of an input signal;</p> <p>modulating said alternating signal with a second signal to output a modulated alternating signal,</p>	<p>Fig. 1 teaches a method and an apparatus for controlling a dc motor 10;</p> <p>Fig. 1, inside the duty controlling oscillator circuit 20, there is an operational amplifier 201, this op. amp. 201 acts as an oscillator to output an alternating signal e_1, see Fig. 4(b);</p> <p>the outputted alternating signal e_1 is an input dependent alternating signal because the op. amp. 201 is connected to receive a signal from the potentiometer 14; the potentiometer 14 is an input device connected to a vehicle acceleration pedal;</p> <p>see column 3, lines 3-5 for the statement of duty cycle control V_{out} based on the command signal V_{in};</p> <p>see Fig. 4 (b), the signal e_1 has time period t_1 and t_2, wherein the t_1 and t_2 are duty cycle time periods which controls the ON/OFF of V_{out} as a function of the input signal V_{in} as shown in Fig. 4 (a);</p> <p>the alternating signal e_1 is modulated by another op. amp. 205 by connecting the non-inverting input of op. amp. 205 to the alternating signal e_1;</p> <p>the inverting input of op. amp. 205 is connected to a reference voltage source formed by the voltage divider resistors 207 and 208;</p> <p>thus, the reference voltage source is a "second signal" as claimed;</p> <p>it is noted that the op. amp. 205 acts as a Schmitt trigger and the V_{out} is a modulated alternating signal;</p>

whereby said second signal is a function of a positive voltage supply signal;	the voltage divider (resistors 208 and 207) provides a reference voltage; the reference voltage is a function of the battery voltage $V_B(36V)$; the positive terminal of the battery voltage $V_B(36V)$ provides a positive voltage supply signal; thus, the voltage divider provides a second signal as a function of a positive voltage supply signal;
transferring current to an output,	the battery $V_B(36V)$ transfers current to an output; the dc motor 10 is an output;
whereby said current is transferred from the voltage supply signal	the positive terminal of the battery voltage $V_B(36V)$ is connected to the field winding 11 of the dc motor 10;
and whereby the transfer of current to the output is a function of the modulating alternating signal.	the current to the motor 10 is controlled by a chopper circuit 13; the duty cycle of the chopper circuit 13 is controlled by the modulated alternating signal V_{out} .

4. Claims 1-7 are allowable. These claims are allowable because the prior art does not teach the combination a positive switching signal circuit and a stable input voltage, see claim 1, lines 12 (a positive switching signal circuit) and 14 (a stable input voltage).

5. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number (571) 272-2072.

10/29/2004


Bentsu Ro
Senior Examiner
Art Unit 2837